

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

United States of America,)	
)	
Plaintiff,)	
)	Case No. 2:00-cr-63
vs.)	
)	
Billy Dean Brown,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 10, 2008, the supervising probation officer filed an amended petition alleging a violation of supervised release (doc. #124). A hearing on the petition was held before the Honorable Alice R. Senechal, Magistrate Judge, on February 13, 2009 (doc. #147). At the hearing, Brown admitted to the violations charged in the petition.

Before the Court is a Report and Recommendation from the Magistrate Judge, recommending this Court find the Defendant violated conditions of his supervised release (doc. #149). The Magistrate Judge further recommends that supervised released be revoked and that Brown be ordered to serve six months in custody, followed by three months of supervised release. During his term of supervised release, it is recommended that he complete a substance abuse treatment program at North Central Correctional and Rehabilitation Center in Rugby.

Following the issuance of the Report and Recommendation, the United States objected to the Defendant being placed back on supervision following his release from custody (doc. #150). According to the United States, the Defendant is not a suitable subject for supervision, as demonstrated by his past violations. Furthermore, the United States argues that the Defendant is not deserving of the limited treatment resources provided for individuals in need of rehabilitation services.

The Defendant also objected to the three month period of supervised release (doc. #152), arguing that the record does not support a finding that he has a substance abuse problem or would benefit from treatment at the NCCRC. Defendant further requests that the Court recommend placement at the Stutsman County Correctional Center in Jamestown, North Dakota.


Upon review of these items and the entire file, the Court finds the Magistrate Judge's Recommendations correct and hereby adopts the Report and Recommendation. The Court thus **FINDS** that a violation of supervised release has occurred as alleged in the petition.

Despite the parties' objections to a term of supervised release, the Court agrees with the Magistrate Judge that placement at NCCRC would allow him to participate in a more intensive treatment program that would foster safety for his children and the community. Therefore, based on the Magistrate Judge's Recommendations, **IT IS ORDERED** that the Defendant's

supervised release is revoked and that the Defendant be incarcerated for a term of six (6) months, followed by three months of supervised release. During his term of supervised release, the Defendant will be required to complete a substance abuse treatment program at NCCRC. Following successful completion of that program, his supervised release should be terminated.

IT IS SO ORDERED.

Dated this 16th day of March, 2009.


RODNEY S. WEBB, District Judge
United States District Court